



forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

Private Bag X 447· PRETORIA ·0001· Environment House ·473 Steve Biko Road, Arcadia· PRETORIA

DFFE Reference: 12/14/16/3/3/1/2432

Enquiries: Thabile Sangweni

Telephone: (012) 399 9409 **E-mail:** TSangweni@dff.gov.za

Mr Eugene Marais
South Africa Mainstream Renewable Power Developments (Pty) Ltd
PO Box 45063
CLAREMONT
7800

Telephone Number: (021) 657 4045
Email Address: eugene.marais@mainstreamrp.com

PER EMAIL

Dear Mr Marais

RE-ISSUE OF ENVIRONMENTAL AUTHORISATION BASED ON THE MINISTER'S APPEAL DECISION (LSA 216472): FOR THE DAMLAAGTE SOLAR PV FACILITY GRID CONNECTION, FREE STATE PROVINCE

With reference to the above application, please be advised that based on the Minister's appeal decision: LSA 216472, the Department has decided to grant authorisation. The Environmental Authorisation (EA) and reasons for the decision are attached herewith.

In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014, as amended (the EIA Regulations), you are instructed to notify all registered interested and affected parties, in writing and within fourteen (14) days of the date of the decision, of the Department's decision as well as the provisions regarding the submission of appeals that are contained in the EIA Regulations.

In terms of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000), you are entitled to the right to fair, lawful and reasonable administrative action; and to written reasons for administrative action that affects you negatively. Further your attention is drawn to the provisions of the Protection of Personal Information Act, 2013 (Act No. 4 of 2013) which stipulate that the Department should conduct itself in a responsible manner when collecting, processing, storing and sharing an individual or another entity's personal information by holding the Department accountable should the Department abuse or compromise your personal information in any way.

Your attention is drawn to Chapter 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) National Appeal Regulations published under Government Notice R993 in Government Gazette No. 38303 dated 08 December 2014 (National Appeal Regulations, 2014), which prescribes the appeal procedure to be followed. Kindly include a copy of this document (National Appeal Regulations, 2014) with the letter of notification to interested and affected parties in this matter.

Should any person wish to lodge an appeal against this decision, he/she must submit the appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party, and any organ of state with interest in the matter within twenty (20) days from the date that the notification of the decision was sent to the registered interested and affected parties by the applicant; or the date that the notification of the decision was sent to the applicant by the Department, whichever is applicable.

Appeals must be submitted in writing in the prescribed form to:

The Director: Appeals and Legal Review of this Department at the below mentioned addresses.

By email: appealsdirector@dfre.gov.za;

By hand: Environment House
473 Steve Biko
Arcadia
Pretoria
0083; or

By post: Private Bag X447
Pretoria
0001

Please note that in terms of Section 43(7) of the National Environmental Management Act, Act No. 107 of 1998, as amended, the lodging of an appeal will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged, you may not commence with the activity until such time that the appeal is finalised.

To obtain the prescribed appeal form and for guidance on the submission of appeals, please visit the Department's website at https://www.dfre.gov.za/documents/forms#legal_authorisations or request a copy of the documents at appealsdirector@dfre.gov.za.

Yours faithfully



Ms Millicent Solomons
Acting Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment
Date: 29/11/2022.

cc:	Stuart Heather-Clark	SLR Consulting Africa (South Africa) (Pty) Ltd	E-mail: shclark@slrconsulting.com
	Bruce Kannemeyer	Ngwathe Local Municipality	E-mail: mm@ngwathe.co.za
	Nicholas Arnott	SLR Consulting Africa (South Africa) (Pty) Ltd	E-mail: narnott@slrconsulting.com



forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

In terms of Regulation 25 of the Environmental Impact Assessment Regulations, 2014, as amended

**THE RE-ISSUE OF ENVIRONMENTAL AUTHORISATION BASED ON THE MINISTER'S APPEAL
DECISION (LSA 216472) FOR THE DAMLAAGTE SOLAR PV FACILITY GRID CONNECTION, FREE
STATE PROVINCE**

Fezile Dabi District Municipality

Authorisation register number:	14/12/16/3/3/1/2432
Last amended:	Second issue
Holder of authorisation:	South Africa Mainstream Renewable Power Developments (Pty) Ltd
Location of activity:	Remaining Extent / Portion 0 of Farm Damlaagte No. 229 Portion 3 of Farm Willow Grange No. 246 Portion 5 of Farm Proceederfontein No. 100 Remaining Extent/Portion 0 of Farm Scafell No. 448 Ngwathe Local Municipality Free State Province

This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this Environmental Authorisation, that the applicant should be authorised to undertake the activities specified below.

Non-compliance with a condition of this Environmental Authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, Act No. 107 of 1998, as amended and the EIA Regulations, 2014, as amended.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, Act No. 107 of 1998, as amended and the Environmental Impact Assessment Regulations, 2014, as amended, the Department hereby authorises –

SOUTH AFRICA MAINSTREAM RENEWABLE POWER DEVELOPMENTS (PTY) LTD

(hereafter referred to as the **holder of the authorisation**)

with the following contact details –

Mr Eugene Marais

PO Box 45063

CLAREMONT

7800

Telephone Number: (021) 657 4045

Cell phone Number: (073) 871 5781

Email Address: eugene.marais@mainstreamrp.com

to undertake the following activities (hereafter referred to as “the activity”) indicated in Listing Notice 1, Listing Notice 2 and Listing Notice 3 of the EIA Regulations, 2014 as amended:

Activity number	Activity description
<u>Listing Notice 1, Item 11:</u> <i>“The development of facilities or infrastructure for the transmission and distribution of electricity—</i> <i>(i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts”</i>	The proposed project will require the construction and operation of a 33/132kV switching station and an overhead double circuit transmission line of up to 132kV. This infrastructure will facilitate the connection between the proposed 150MWac Damlaagte Solar PV Facility and the Eskom Scafell MTS.
<u>Listing Notice 1, Item 19:</u> <i>“The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles, or rock of more than 10 cubic metres from a watercourse”</i>	Internal access roads and electrical cabling required to connect the various PV facility infrastructure and components will collectively require the excavation, infilling or removal of soil exceeding 10m³ (exact values to be determined following layout finalisation).
<u>Listing Notice 1, Item 24</u> <i>“The development of a road where the road is wider than 8 metres”</i>	The development of the 33/ 32kV switching station will require the clearance of indigenous vegetation in excess of 1ha.
<u>Listing Notice 1, Item 27</u> <i>“The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for –</i> <i>(i) the undertaking of a linear activity; or</i> <i>maintenance purposes undertaken in accordance with a maintenance management plan”</i>	The development of the 33/ 32kV switching station will require the clearance of an area in excess of 1ha.

<u>Listing Notice 1, Item 28</u> <i>"Residential, mixed, retail, commercial, industrial, or institutional developments where such land was used for agriculture, game farming, equestrian purposes, or afforestation on or after 01 April 1998 and where such development:</i> <i>(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare"</i>	The proposed project will be established on land previously used for agricultural on or after 01 April 1998. The total footprint of the switching station for the proposed project is in excess of 1ha.
<u>Listing Notice 3, Item 4</u> <i>"The development of a road wider than 4 metres within a reserve of less than 13.5 metres within</i> <i>(b) the Free State Province,</i> <i>(i) outside urban areas, and</i> <i>(ee) within critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans."</i>	The proposed project will require the construction of a road with a width of up to 12m. The project site is located within a CBA 2 area identified in terms of the Free State Biodiversity Plan (2015).
<u>Listing Notice 3, Item 12</u> <i>"The clearance of area of 300 square metres or more of indigenous vegetation where such clearance of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan."</i>	The project will require the clearance of an area with indigenous vegetation in excess of 300m² for the placement of foundations for pylons for the overhead transmission line. Thus, this section of the grid connection corridor to be cleared falls within a CBA 2 in the Free State Province, identified in terms of the Free State Biodiversity Plan (2015).
<u>Listing Notice 3, Item 14</u> <i>"The development of –</i> <i>(ii) infrastructure or structures with a physical footprint of 10 square metres or more; where such development occurs –</i> <i>d) within 32 metres of a watercourse, measured from the edge of a watercourse".</i>	The project may require the placement of infrastructure of 10m² or more, within 32m of a watercourse within a CBA 2 area in the Free State Province, identified in terms of the Free State Biodiversity Plan (2015).

Listing Notice 3, Item 18 <i>"The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre."</i>	The project will require the widening of existing roads to a width of up to 12m during the construction phase. It may be that the upgrades to the roads will be undertaken within existing roads that fall within a CBA 2 area as identified by the Free State Biodiversity Plan (2015).
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as described in the Basic Assessment Report (BAR) dated October 2021 at:

Coordinates for Corridor Alternative 1 (Preferred):

	Latitude	Longitude
1	26°47'57.10"S	27°37'35.06"E
2	26°48'14.38"S	27°38'16.36"E
3	26°48'33.89"S	27°38'13.50"E
4	26°48'36.83"S	27°38'25.18"E
5	26°48'44.88"S	27°38'29.42"E
6	26°48'55.14"S	27°38'11.01"E
7	26°48'43.36"S	27°38'2.63"E

Coordinates for the switching station:

	Latitude	Longitude
	26°48'1.16"S	27°37'40.55"E

SG 21 Digit Code:

F	0	2	5	0	0	0	0	0	0	0	0	0	2	2	9	0	0	0	0	0
F	0	2	5	0	0	0	0	0	0	0	0	0	2	4	6	0	0	0	0	3
F	0	2	5	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	5
F	0	2	5	0	0	0	0	0	0	0	0	0	4	4	8	0	0	0	0	0

- for the Damlaagte Solar PV Facility grid connection, Free State Province, hereafter referred to as "the property"

The project will include the following:

- Double-circuit overhead transmission line with a capacity of up to 132kV; and
- A switching station with a capacity of up to 33/132kV.

Conditions of this Environmental Authorisation

Scope of authorisation

1. The development of the Damlaagte Solar PV Facility grid connection in the Free State Province, as described above is hereby approved.
2. Authorisation of the activity is subject to the conditions contained in this Environmental Authorisation, which form part of the Environmental Authorisation and are binding on the holder of the authorisation.
3. The holder of the authorisation is responsible for ensuring compliance with the conditions contained in this Environmental Authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.
4. The activities authorised may only be carried out at the property as described above.
5. Any changes to, or deviations from, the project description set out in this Environmental Authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further Environmental Authorisation in terms of the regulations.
6. The holder of an Environmental Authorisation must apply for an amendment of the Environmental Authorisation with the Competent Authority for any alienation, transfer or change of ownership rights in the property on which the activity is to take place.
7. This activity must commence within a period of ten (10) years from the date of issue of this Environmental Authorisation. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for Environmental Authorisation must be made in order for the activity to be undertaken.
8. Construction must be completed within five (05) years of the commencement of the activity on site.
9. Commencement with one activity listed in terms of this Environmental Authorisation constitutes commencement of all authorised activities.

Notification of authorisation and right to appeal

10. The holder of the authorisation must notify every registered interested and affected party, in writing and within 14 (fourteen) calendar days of the date of this Environmental Authorisation, of the decision to authorise the activity.
11. The notification referred to must –
 - 11.1. specify the date on which the authorisation was issued;
 - 11.2. inform the interested and affected party of the appeal procedure provided for in the National Appeal Regulations, 2014;
 - 11.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
 - 11.4. give the reasons of the Competent Authority for the decision.

Commencement of the activity

12. The authorised activity shall not commence until the period for the submission of appeals has lapsed as per the National Appeal Regulations, 2014, and no appeal has been lodged against the decision. In terms of Section 43(7), an appeal under Section 43 of the National Environmental Management Act, Act No. 107 of 1998, as amended will suspend the Environmental Authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged you may not commence with the activity until such time that the appeal has been finalised.

Management of the activity

13. The layout plan included as part of the BAR dated October 2021, is approved.
 14. The EMPs included as Appendix 7 of the BAR dated October 2021, are approved.
 15. The approved EMPs must be implemented and strictly enforced during all phases of the project. It shall be seen as a dynamic document and shall be included in all contract documentation for all phases of the development. Any updates to these EMPs must be undertaken in accordance with the relevant legislation.
 16. Changes to the EMPs must be submitted to this Department for approval before such changes could be effected.
 17. The Department reserves the right to amend the approved EMPs should any impacts that were not anticipated or covered in the Final BAR be discovered.
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Frequency and process of updating the EMPr

18. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 25 below, indicate insufficient mitigation of environmental impacts associated with the undertaking of the activity, or insufficient levels of compliance with the Environmental Authorisation or EMPr.
19. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
20. The updated EMPr must be submitted to the Department for approval together with the environmental audit report, as per Regulation 34 of the EIA Regulations, 2014 as amended. The updated EMPr must have been subjected to a public participation process, which process has been agreed to by the Department, prior to submission of the updated EMPr to the Department for approval.
21. In assessing whether to grant approval of an EMPr which has been updated as a result of an audit, the Department will consider the processes prescribed in Regulation 35 of the EIA Regulations, 2014 as amended. Prior to approving an amended EMPr, the Department may request such amendments to the EMPr as it deems appropriate to ensure that the EMPr sufficiently provides for avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
22. The holder of the authorisation must apply for an amendment of an EMPr, if such amendment is required before an audit is required. The amendment process is prescribed in Regulation 37 of the EIA Regulations, 2014, as amended. The holder of the authorisation must request comments on the proposed amendments to the impact management outcomes of the EMPr or amendments to the closure objectives of the closure plan from potentially interested and affected parties, including the competent authority, by using any of the methods provided for in the Act for a period of at least 30 days.

Monitoring

23. The holder of the authorisation must appoint an experienced Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the mitigation/rehabilitation measures and recommendations referred to in this Environmental Authorisation are implemented and to ensure compliance with the provisions of the approved EMPr.
 - 23.1. The ECO must be appointed before commencement of any authorised activities.
 - 23.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.

- 23.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
- 23.4. The ECO must remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.

Recording and reporting to the Department

24. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this Environmental Authorisation, must be submitted to the *Director: Compliance Monitoring* of the Department.
25. The holder of the Environmental Authorisation must, for the period during which the Environmental Authorisation and EMPr remain valid, ensure that project compliance with the conditions of the Environmental Authorisation and the EMPr are audited, and that the audit reports are submitted to the *Director: Compliance Monitoring* of the Department.
26. The frequency of auditing and of submission of the environmental audit reports must be as per the frequency indicated in the EMPr, taking into account the processes for such auditing as prescribed in Regulation 34 of the EIA Regulations, 2014 as amended.
27. The holder of the authorisation must, in addition, submit environmental audit reports to the Department within 30 days of completion of the construction phase (i.e. within 30 days of site handover) and a final environmental audit report within 30 days of completion of rehabilitation activities.
28. The environmental audit reports must be compiled in accordance with Appendix 7 of the EIA Regulations, 2014 as amended and must indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the Environmental Authorisation conditions as well as the requirements of the approved EMPr.
29. Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

Notification to authorities

30. A written notification of commencement must be given to the Department no later than fourteen (14) days prior to the commencement of the activity. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence, as well as a reference number.

Operation of the activity

31. A written notification of operation must be given to the Department no later than fourteen (14) days prior to the commencement of the activity operational phase.

Site closure and decommissioning

32. Should the activity ever cease or become redundant, the holder of the authorisation must undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and Competent Authority at that time.

Specific conditions

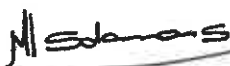
33. The footprint of the development must be limited to the areas required for actual construction works and operational activities.
34. Areas outside of the footprint, including sensitive areas and buffer areas, must be clearly demarcated (using fencing and appropriate signage) before construction commences and must be regarded as "no-go" areas.
35. All areas of disturbed soil must be reclaimed using only indigenous grass and shrubs.
36. Topsoil from all excavations and construction activities must be salvaged and reapplied during reclamation.
37. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling and re-use options where appropriate. Where solid waste is disposed of, such disposal shall only occur at a landfill licensed in terms of section 20(b) of the National Environment Management Waste Act, 2008 (Act 59 of 2008).
38. The holder of this authorisation must take note that no temporary site camps will be allowed outside the footprint of the development area as the establishment of such structures might trigger a listed activity as defined in the Environmental Impact Assessment Regulations.
39. Borrow materials must be obtained only from authorised and permitted sites. Permits must be kept on site by the ECO.
40. Should any archaeological sites, artefacts, paleontological fossils or graves be exposed during construction work, work in the immediate vicinity of the find must be stopped, the South African Heritage Resources Agency (SAHRA) must be informed and the services of an accredited heritage professional obtained for an assessment of the heritage resources.

41. All declared aliens must be identified and managed in accordance with the Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983). There should be an alien species monitoring and eradication program to prevent encroachment of these problem plants for the duration of the operation.

General

42. The recommendations of the EAP in the BAR dated October 2021 and the specialist studies attached must be adhered to. In the event of any conflicting mitigation measures and conditions of the Environmental Authorisation, the specific condition of this Environmental Authorisation will take preference.
43. A copy of this Environmental Authorisation, the audit and compliance monitoring reports, and the approved EMP, must be made available for inspection and copying-
- 43.1. at the site of the authorised activity;
 - 43.2. to anyone on request; and
 - 43.3. where the holder of the Environmental Authorisation has a website, on such publicly accessible website.
44. National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the holder of the authorisation or his/her successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the holder of the authorisation with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Date of Environmental Authorisation: 29/11/2022.



Ms Millicent Solomons

Acting Chief Director: Integrated Environmental Authorisations

Department of Forestry, Fisheries and the Environment

Annexure 1: Reasons for Decision

1. Information considered in making the decision

In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) The appeal decision LSA 216472 dated 10 August 2022.

2. Key factors considered in making the decision

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.

- a) The appeal decision LSA 216472 dated 10 August 2022.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the Environmental Authorisation, the authorised activities will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the authorised activities can be mitigated to acceptable levels. The Environmental Authorisation is accordingly granted.



forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

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Tel(+ 27 12) 399 9000

Enquiries: Devinagle Bendeman Telephone: 012 399 9337 E-mail: ybendeman@dfre.gov.za

Ms. Milicent Solomons
Director: Prioritised Infrastructure Projects

Dear Ms. Solomons

APPOINTMENT AS ACTING CHIEF DIRECTOR: INTEGRATED ENVIRONMENTAL AUTHORISATIONS FOR THE PERIOD 01 NOVEMBER 2022 – 16 DECEMBER 2022

I hereby inform you that I have decided to appoint you as Acting Chief Director: Integrated Environmental Authorisations, for the period of 01 November 2022 – 16 December 2022 whilst Mr Sabelo Malaza is fulfilling his temporary reassignment function at the Forestry Branch.

All the correspondence and other documents that are usually signed by the Chief Director: Integrated Environmental Authorisations must be signed under Acting Chief Director: Integrated Environmental Authorisations during the above-mentioned period.

Your appointment in the above acting position remains subject to the provisions of the Public Service Act, 1994 (Proclamation No. 103 of 1994), as amended, the Government Employees Pension Fund Act, 1996 (Proclamation No. 21 of 1996), the regulations promulgated under these Acts and relevant circulars.

In the execution of your duties and the exercising of the powers delegated to you, you will furthermore be subjected to the provisions of the Public Finance Management Act, compliance with the Promotion of Access to Information Act, Promotion of Administrative Justice Act, the Minimum Information Security Standard, Departmental Policies and other applicable legislations with the Republic of South Africa. You are therefore advised to make yourself familiar with the provisions of these legislations and policies and the amendments thereof. (Copies of Departmental policies can be obtained from the Human Resource Office).

Please accept my heartfelt gratitude for all your assistance on behalf of the department.

Yours sincerely

Ms. Devinagle Bendeman
Deputy Director-General: RSCM (Regulatory Compliance and
Sector Monitoring)

Date: 31 October 2022

ACKNOWLEDGEMENT

I ACCEPT / ~~DO NOT ACCEPT~~
appointment as Acting Chief
Director: Integrated Environmental
Authorisations

Signed:

Date: 31/10/2022.